

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 17, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27201. Adulteration of canned cherries. U. S. v. 55 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. no. 39258. Sample no. 24187-C.)

Examination of these cherries showed the presence of decomposition.

On March 23, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases of canned cherries at Lewiston, Idaho, alleging that they had been shipped in interstate commerce on or about June 30, 1936, from Clarkston, Wash., by F. W. Dustan & Son, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W-I Washington Idaho Brand Water Grade Royal Ann Cherries * * * Below U. S. Standard Good Food but not High Grade Packed by F. W. Dustan & Son, Clarkston, Washington."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 28, 1937, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27202. Misbranding of canned cherries. U. S. v. 140 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39269. Sample no. 32709-C.)

This product fell below the standard established by this Department for canned cherries, because it was packed in water and it was not labeled to indicate that it was substandard.

On April 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended April 17, 1937) praying seizure and condemnation of 140 cases of canned cherries at New Orleans, La., alleging that they had been shipped in interstate commerce on or about March 11, 1937, by Hunt Bros. Packing Co., from Tacoma, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Premio Brand * * * Pitted Sour Red Cherries Packed by Hunt Brothers Packing Company San Francisco, Calif."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the cherries were packed in water and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 28, 1937, Hunt Bros. Packing Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered with the proviso that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27203. Adulteration of frozen whittings. U. S. v. 225 Cases and 120 Cases of Frozen, Headless, and Dressed Whittings. Consent decree of condemnation and destruction. (F. & D. nos. 39277, 39278. Sample nos. 41421-C, 41422-C.)

This case involved a shipment of fish that was in part decomposed.

On March 25, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 345 cases of frozen whittings at Topeka, Kans., alleging that the article had been shipped in interstate commerce on or about February 21, 1937, by Slade Gorton Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 21, 1937, Slade Gorton Co. having appeared as claimant, a consent decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*